

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

CRP.No. 76 of 2007()

AGAINST THE ORDER DATED 17/01/2007 IN IA 622/2006 IN
ELEOP.10/2005 of J.M.F.C., PATTAMBI

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REVN. PETITIONER: PETITIONER:

KADER, S/O.LATE AYAMU,
PACHARATHODI HOUSE, VALLAPPUZHA AMSOM,
KURUVATTOOR DESOM, OTTAPALAM TALUK.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENT:

ABDUL NAZEER, S/O.LATE ISHAQ,
ALIKKAL HOUSE, VALLAPPUZHA AMSOM
KURUVATTOOR DESOM, OTTAPALAM TALUK.

BY ADV. SRI.K.RAMAKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON IA 215/07 IN CRP 76/07

DISMISSED.

SD/- M.N.KRISHNAN,JUDGE.

14/9/2007

M.N.Krishnan, J.
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C.R.P.No.76 of 2007
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Dated this the 14th day of September, 2007.

ORDER

This revision is preferred against the interlocutory order passed in E.P.No.10 of 2005 whereby the court found that there are no materials at that stage, but dismissed the petition as not maintainable. It is contended that all the averments in the Election Petition will not constitute a proper and sufficient cause. It was opposed by the other side. The court found that the material averments are available at the threshold stage and the matters in dispute are all matters, which can be decided at the stage of trial. The court also considered regarding the double voting allegations and held that it is also a matter that has to be tried and decided. So on a total appreciation of the entire materials, the court held that it may not be proper to hold that there is no material in the Election Petition at that stage. The court also found that the factual allegations are there, which will necessitate consideration. So on this principle, the court below

rightly found that the Election Petition cannot be dismissed as not maintainable at the earlier stage.

2. I do not find any ground to interfere with the said decision and therefore the Civil Revision Petition is dismissed. Since this is an election matter, I direct the court below to dispose of the matter as expeditiously as possible.

M.N.Krishnan,
Judge.